

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PAUL R.S.,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Civil Action No. **3:20-cv-838-L**

ORDER

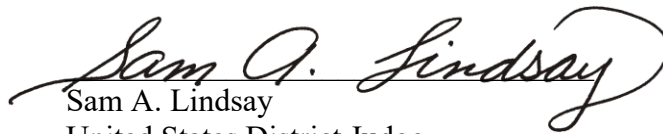
On September 15, 2020, United States Magistrate Judge Rebecca Rutherford entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 10), recommending that the court dismiss Plaintiff Paul R.S.’s (“Plaintiff”) Complaint (Doc. 3) for failure to prosecute and comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). Specifically, Magistrate Judge Rutherford ordered Plaintiff to serve Defendant before the 90th day after the filing of the Complaint and warned that failure to do so would result in dismissal without prejudice, unless Plaintiff shows both (1) good cause for the failure to timely and properly effect service and (2) good cause for the court to extend the time for service for an appropriate period. Doc. 7 at 1-2.

Because the 90-day period has now expired, and Plaintiff has failed to serve his Complaint on Defendant, Magistrate Judge Rutherford determined that this action should be dismissed without prejudice. No objections to the Report were filed, and Plaintiff has not served Defendant as ordered.

Having reviewed the pleadings, record, Report, and applicable law, the court agrees with the Magistrate Judge’s finding and conclusions, and **accepts** them as those the court. Accordingly,

Plaintiff's Complaint is **dismissed without prejudice** for failure to prosecute and failure to comply with a court order under Federal Rule of Civil Procedure 41(b).

It is so ordered this 8th day of October, 2020.


Sam A. Lindsay
United States District Judge